IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2588 OF 2007

M/s.Morarjee Goculdas Spg.& Wvg.Co.Ltd. ..Petitioner.

V/s.

Dashrath S. Manjrekar & Anr. ..Respondents.

Mr.S.M.Naik for petitioner.

Ms. Rita Joshi i/b. A.D.Shetty for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 11, 2007.

P.C. :

1. Heard Counsel for the parties. Perused the documents on record.

2. I have no hesitation in affirming the conclusion reached by the Industrial Court in rejecting the application for condonation of delay in filing the Appeal filed by the Petitioner. The Court below has recorded good reasons to support that position. In addition, I am in agreement with the submission of the Respondents that the Petitioner has not even controverted the case made out by the Respondents, in particular in paragraphs-3 to 6 of the reply affidavit dated 12th March, 2007. The Respondents clearly asserted that the Petitioner had

not approached the Court with clean hands. The circumstances justifying that contention have been placed on record. The Petitioner has not considered it necessary to counter the said case made out in the reply affidavit of the Respondents.

3. Taking overall view of the matter, I find no fault with the discretionary Order passed by the Court below for the tangible reasons recorded in the Order under challenge, as also circumstances culled out from the paragraphs-3 to 6 of the reply affidavit of the Respondent. Hence this Petition should fail. Dismissed.

(A.M.KHANWILKAR,J)